

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROBERT SONNY WOOD ET AL

Plaintiffs,

v.

NAUTILUS INSURANCE CO.

Defendants.

Case No. 2:17-CV-2393-MMD-VCF

JUDGE MIRANDA M. DU'S ORDER  
REGARDING BENCH TRIAL IN CIVIL  
CASES

1. This case is scheduled for trial before the Honorable Miranda M. Du. Chief United States District Judge, at Las Vegas, NV on **Monday, May 15, 2023 at 9:00 AM in a courtroom to be determined.** This is a firm trial date.

2. Motions in limine must be fully briefed and submitted for decision no later than thirty (30 days) before trial. Motions filed after this established deadline will be automatically denied. Counsel are required to meet and confer on the issues raised in the motion in limine before filing the motion and must include a statement certifying compliance with this personal consultation requirement.

3. Counsel for all parties and all pro se parties shall appear in Courtroom 5 on **Monday, April 24, 2023 at 1:00 PM** for Calendar Call.<sup>1</sup> Unless a party is appearing pro se, the individual parties will not be required to appear for Calendar Call unless the Court directs otherwise.

4. Counsel or their clients will be excused from Calendar Call if, prior to the scheduled calendar call, settlement papers have been filed in a civil case.

5. At the Calendar Call, all cases that remain to be tried will be ranked in order of

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<sup>1</sup> Counsel are to call 1-888-251-2909, at least five (5) minutes before the hearing time, and enter code 3803398 and password 042423. The use of cell phones and/or speaker phones is prohibited.

trial with criminal cases taking priority over civil cases. Thereafter, the Court will not grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs, the cases will be tried one after the other on **TWENTY-FOUR( 24) HOURS'** **NOTICE** from the Clerk.

**6. STATUS HEARINGS** : The Court may conduct a status conference prior to the scheduled Calendar Call. Any party who wishes to request a pretrial status conference should notify the Courtroom Administrator no later than two weeks before Calendar Call. If the Court is satisfied during the status conference that the case is ready for trial, the Court may vacate the calendar call.

**7. WITNESSES**: Counsel shall immediately subpoena all witnesses for the time and trial date as listed above. Inasmuch as the cases will be tried in a trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses to contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not required to be present at the Calendar Call but must appear as subpoenaed. Counsel and parties appearing pro se must file their witness list **one week** before trial.

**8. EXHIBITS**: **One week** before trial, counsel and parties appearing pro se must electronically file their complete exhibit list of all exhibits that are intended to be used during the trial. At the same time, counsel must serve upon opposing counsel a copy of the same. Plaintiffs shall use numerals 1 through 499 and defendants shall use numerals 500 through 999.<sup>2</sup> The exhibits are to be listed on a form provided by the Clerk's Office, and they may be computer generated if they conform to the requirements of the form that is provided by the Clerk.<sup>3</sup> The Court uses the Jury Electronic Recording System ("JERS". At least five (5) calendar days before trial, the parties must provide the Courtroom Administrator with electronic media (e.g. CD, thumb drive, or hard drive) that contains images of all the exhibits counsel intend to use, in a format specified by the memorandum

<sup>2</sup> Adjustments to the numbering system can be made if either party has more than 499 exhibits to offer.

<sup>3</sup> Exhibit list forms can be found at [www.nvd.uscourts.gov/forms.aspx](http://www.nvd.uscourts.gov/forms.aspx) under "exhibit list." If Plaintiffs have greater than 500 exhibits, Defendants may begin numbering at 1000 or 2000.

attached as exhibit 1 to this Order. Counsel should retain copies of their exhibits for use by the witness in the courtroom if need. But for clarity, the parties need not prepare any paper exhibits unless the other party is proceeding *pro se*, in which case the represented party should make paper copies of all exhibits and make them available to the *pro se* party such that the exhibits are reasonable accessible to the *pro se* party a reasonable amount of time before trial. If the parties expect they will use many voluminous exhibits or are otherwise concerned about the presentation of exhibits at trial, they must immediately file a joint motion requesting a status conference with the Court and notify the Courtroom Administrator when they have done so.

**9. MARKING EXHIBITS:** During preparations for trial, counsel for all parties must meet, confer, pre-mark and exchange all trial exhibits. At least **five (5) calendar days** before trial, counsel in civil cases must notify Judge Du's Courtroom Administrator that the exhibits have been pre-marked.

**10. EVIDENCE DISPLAY EQUIPMENT:** Counsel wishing to utilize the Court's evidence display must contact the Courtroom Administrator to determine its availability and to arrange for training. Counsel wishing to utilize their own display equipment must contact the Courtroom Administrator to arrange a time and date to set up the equipment prior to the trial.

**11. TRIAL BRIEFS AND RELATED FILINGS** **One week** before trial, the parties must file: (1) trial briefs; (2) stipulated facts; and (3) proposed findings of fact and conclusions of law. At the same time, the parties must provide a copy of the same in MS Word format to chambers, by email to the Courtroom Administrator, at [Peggie\\_Vannozzi@nvd.uscourts.gov](mailto:Peggie_Vannozzi@nvd.uscourts.gov)

**12. TRIAL SCHEDULE:** Trial will generally begin at 9:00 a.m. and end at 4:00 p.m.

**13. TRIAL JUDGE:** Although the cases that are on the Court's trial stack are assigned to Judge Du, the cases may proceed to trial before another Nevada district judge or a visiting district judge.

**14. CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE:** Counsel and

1 parties in civil actions are reminded of their right to consent to disposition before a United  
2 States Magistrate Judge pursuant to Title 28, Section 636(c)(2) of the United States Code.  
3 The right to proceed before a Magistrate Judge in a civil case includes those case that  
4 will be tried before a jury as well as those cases to be tried before the Court sitting without  
5 a jury. Any appeal from a judgment in a proceeding before a Magistrate Judge shall be  
6 taken directly to the United States Court of Appeals. The option to proceed before a  
7 Magistrate Judge is available to the parties at the time an action is commenced. The  
8 Court may refuse to approve a consent if it appears to be motivated by an effort to delay  
9 the proceeding.

10 **15. SANCTIONS:** As provided for under the Local Rules of Practice of this court,  
11 the Court will consider the imposition of sanctions against any attorney who: (1) fails to  
12 timely file trial briefs or proposed findings of fact and conclusions of law, whichever is  
13 applicable, as prescribed in the Pretrial Order, Order Regarding Pretrial Procedure,  
14 Scheduling Order or any order extending the time for such filings; (2) fails to comply with  
15 any provision of this order including, but not limited to, the failure to appear for calendar  
16 call without first having been excused by the Court or the clerk with the permission of the  
17 Court; or (3) fails to timely comply with any other order that schedules deadlines for trial  
18 preparation.

19 **16. CONTACT PERSON:** All questions and information regarding the trial calendar  
20 are to be directed to PEGGIE VANNOZZI, Courtroom Administrator.

21 **17.** The **date** of the Clerk's File Mark shall constitute the date of this order.

22 IT IS SO ORDERED.  
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MIRANDA M. DU  
26 CHIEF UNITED STATES DISTRICT JUDGE  
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